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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHN L. HENDRIX,

Plaintiff,

v.

DANNY S. DAVIS, and
ESCOPETA OIL & GAS CORPORATION,

Defendants.

Case No. 3:24-cv-00133-SLG

**JOINT MOTION TO VACATE
TRIAL DATE AND
AMEND SCHEDULING AND
PLANNING ORDER**

Defendants Danny S. Davis and Escopeta Oil & Gas Corporation (together, Defendants) and Plaintiff John L. Hendrix (“Plaintiff”) (collectively, the “Parties”), through their respective undersigned counsel, submit this joint motion to vacate the currently set trial date and to amend the pretrial deadlines in the Court’s October 18, 2024 Scheduling and Planning Order (Dkt. No. 16) and Trial Scheduling Order (Dkt. No. 17).

Case deadlines may be modified upon a showing of good cause, and with permission of the Court. Fed. R. Civ. P. 16(b)(4). Here, good cause to amend the current pretrial deadlines exists for multiple reasons. First, the Parties could not with reasonable diligence comply with the existing deadlines. For example, the deadline set for the close of fact discovery in this case was September 2, 2025, which has already passed. But the Parties have been unable to complete fact discovery because the claims and defenses in this case are to a large degree dependent on the outcome of related litigation involving

the Parties and many similar claims, *Allen Lawrence Berry et al. v. Furie Operating Alaska, LLC*, Case No. 2023-29225, which is currently pending in the District Court in Harris County, Texas, and in which discovery is still ongoing. Second, the Parties are continuing to negotiate in good faith on the terms of an appropriate protective order to safeguard the confidentiality of proprietary and sensitive financial and commercial information relevant to the claims and defenses in this case, so that discovery can proceed smoothly. The parties believe that this can be accomplished in short order.

“District courts should generally allow amendments of pre-trial orders when ‘no substantial injury will be occasioned to the opposing party, the refusal to allow the amendment might result in injustice to the movant, and the inconvenience to the court is slight.’” *Campbell Indus. v. M/V Gemini*, 619 F.2d 24, 27–28 (9th Cir. 1980) (quoting *Angle v. Sky Chef, Inc.*, 535 F.2d 492, 495 (9th Cir. 1976)). Here, indeed, no injury will be occasioned to either Party, and undersigned counsel have conferred and no Party opposes this request to amend the pretrial deadlines in this case. Refusal of the requested amendment would prejudice both Parties in their ability to try this case on the merits.

Accordingly, the Parties respectfully request that the Court vacate the currently set trial date, and amend the pretrial deadlines as follows:

Deadline	Date
Expert Witness Identification	October 24, 2025
Expert Witness Reports	December 19, 2025
Close of Fact Discovery	February 3, 2026
Close of Expert Discovery	March 13, 2026
Discovery Motions	March 13, 2026
Dispositive Motions	March 20, 2026
Motions <i>in Limine</i>	May 29, 2026
File Trial Witness Lists	June 5, 2026
Deposition Designations	June 5, 2026
File Trial Exhibit List	June 26, 2026

Deadline	Date
Trial Briefs	July 14, 2026
File Proposed Jury Instructions	July 21, 2026
File Voir Dire Questions	July 21, 2026
Trial	After August 4, 2026, subject to the Court's calendar

A proposed order is filed herewith.

DATED: October 8, 2025

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Attorneys for Plaintiff

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By /s/ Jeffrey Robinson
Jeffrey W. Robinson, ABA No. 0805038
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I hereby certify that on October 8, 2025, a correct copy of the foregoing document was sent to all participants in the case that are registered via CM/ECF. A copy is available for viewing on downloading from the Court's CM/ECF system.

/s/ Sydney Castorina